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7 MYRAH MARTINEZ, et al.,
8 Plaintiffs,
9 v.
10 COUNTY OF SONOMA, et al.,
11 Defendants.

Case No. 15-cv-01953-JST

ORDER APPOINTING GUARDIAN AD LITEM

Re: ECF No. 11

12 This putative class action alleges that the County of Sonoma's practices in housing
13 juveniles removed from their homes are in violation of provisions of the California Welfare and
14 Institutions Code, the Bane Act (California Civil Code section 52.1 *et seq.*), the California
15 Constitution, the Federal Civil Rights Act, and the Fourth and Fourteenth Amendments to the
16 United States Constitution. ECF No. 1. Named Plaintiff R.M. is "a 17 year old resident of the
17 County of Sonoma" who "[t]hrough her guardian ad litem . . . brings this action for herself and all
18 those similarly situated." Id. at ¶ 9. Jenifer Stum seeks appointment as Plaintiff R.M.'s guardian
19 ad litem in this action.

20 "A minor or an incompetent person who does not have a duly appointed representative
21 may sue by a next friend or by a guardian ad litem. The court must appoint a guardian ad litem –
22 or issue another appropriate order – to protect a minor or incompetent person who is unrepresented
23 in an action." Fed R. Civ. P. 17(c)(2).

24 An individual's capacity to sue is determined "by the law of the individual's domicile."
25 Fed. R. Civ. P. 17(b). Under California law, the Court may appoint a guardian ad litem to
26 represent the interests of a person who lacks legal competence to make decisions. Cal. Civ. Proc.
27 Code § 372(a). "A court has broad discretion in ruling on a guardian ad litem application."
28 Williams v. Superior Court of San Diego, 147 Cal. App. 4th 36, 47 (2007) (citing In re Emily R.,

United States District Court
Northern District of California

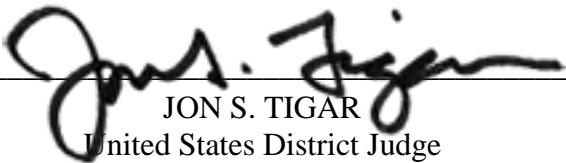
1 80 Cal. App. 4th 1344, 1356 (2000)). When there is no conflict of interest, the guardian ad litem
2 appointment is usually made on application only and involves little exercise of discretion by the
3 court. In re Marriage of Caballero, 27 Cal. App. 4th 1139, 1149 (1994); Kulya v. City and County
4 of San Francisco, No. 06-cv-06539-JSW, 2007 WL 760776, at *1 (N.D. Cal. Mar. 9, 2007).
5 When choosing a guardian ad litem in a civil lawsuit, the most important issue is the protection of
6 the minor's interest in the litigation. Kulya, 2007 WL 760776, at *1 (citing Williams, 147 Cal.
7 App. 4th at 47).

8 Plaintiff R.M. is a 17 year old minor. ECF No. 1 at ¶ 9. R.M. has stated by declaration
9 that she has no "general guardian." ECF No. 11 at 3. R.M. has consented to the appointment of
10 Jenifer Stum, stating that Stum is a "competent and responsible person" who has no apparent
11 conflict of interest with R.M. in the prosecution of this action. Id. Stum has likewise consented to
12 the appointment and also declared that, to the best of her knowledge, she has no conflict of interest
13 with R.M. in the prosecution of this action. Id.

14 The Court finds that this appointment is in the plaintiff's best interests. Accordingly, the
15 Court hereby appoints Jenifer Stum as guardian ad litem for Plaintiff R.M.

16 IT IS SO ORDERED.

17 Dated: May 12, 2015



18 JON S. TIGAR
19 United States District Judge

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